IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 44 OF 2005

MISS BHARATI B.BHOSALE,PENHA DA FRANCA,BARDEZ-GOA. ....Petitioner

Versus

SHRI RAGHUNATH FATARPEKAR,PENHA DA FRANCA,BARDEZ ....Respondent

Shri A. F Diniz, Advocate for the petitioner.

Coram:- R. M. LODHA, J.

Date:- 5th October, 2005

P.C.

Heard Mr. A. F. Diniz, learned Counsel for the petitioner. I perused the orders dated 13.2.2004 and 2.12.2004.

The order dated 13.2.2004 does not suffer from any legal infirmity. The Appeal Court has considered the material on record and found that the plinth area of the house of the respondent was fixed by approximation as 50 sq. metres. The constructed area of the house was about 51.82 sq. metres and it was clearly found that there was no construction beyond the plinth area of the house. In the order dated 2.12.2004, the Court below has recorded a categorical finding that the applicant (petitioner herein) failed to prove that the respondent has done any construction in breach of the order of the Court. The finding cannot be said to suffer from any error of law. No case for invocation of extra-ordinary jurisdiction is made out.

Writ petition is dismissed in limine.

R. M. LODHA, J.

ssm.